

# United States District Court

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SOUTHERN

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DISTRICT OF

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NEW YORK

GERALD MANOWITZ, as trustee of the Annette  
Clair Manowitz revocable trust, on behalf of itself  
and all others similarly situated,

## SUMMONS IN A CIVIL CASE

v.

CASE NUMBER: 07-cv-3884

OPTIONABLE INC., KEVIN CASSIDY, EDWARD  
J. O'CONNOR, and MARK NORDLICHT

TO: (Name and address of defendant)

MARK NORDLICHT  
OPTIONABLE INC.  
465 Columbus Avenue,  
Valhalla, NY 10595

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

JEFFREY P. CAMPISI, ESQ.  
Kaplan Fox & Kilsheimer, LLP  
805 Third Avenue, Suite 22  
New York, NY 10022  
(212) 687-1980

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

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CLERK

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**MAY 17 2007**

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DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

Served personally upon the defendant. Place where served: \_\_\_\_\_

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_

Returned unexecuted: \_\_\_\_\_

Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



APS File #: 083626-0001

APS International Plaza  
7800 Glenroy Road  
Minneapolis, MN 55439-3122

## AFFIDAVIT OF DUE AND DILIGENT ATTEMPT

KAPLAN, FOX & KILSHEIMER  
Mr. Wilfred Gomes  
805 Third Avenue, 22nd Floor  
New York, NY 10022

Customer File: \_\_\_\_\_

State of: New York ss.

County of: Westchester)

Name of Server: Sonny F. Rado, undersigned, being duly sworn, deposes and says  
that at all times mentioned herein, s/he was of legal age and was not a party to this action;

Documents Served: the undersigned attempted to serve the documents described as:

Summons in a Civil Case w/ Notice of Assignment; Preliminary Order  
in Case Designated to WP4 Calendar; Standing Order;  
Class Action Complaint w/ Trial by Jury Demanded

Service of Process on: The undersigned attempted to serve the documents on  
Mark Nordlicht

and after due and diligent efforts, was unable to effect service.

Attempts: The following is a list of the attempts made to effect service:

Dates/Time/Address Attempted: 465 Columbus Avenue, Valhalla, NY 10595 6/6/07 @ 12:15pm

Reason for Non-Service: DOOR W/ STICKER O'CONOR WITH STICKER MARK WAS THE FORMER  
CHIEF MANAGER → IS NO LONGER THERE BUT MAY BE SOMEWHERE IN N.Y.

Dates/Time/Address Attempted: \_\_\_\_\_

Reason for Non-Service: \_\_\_\_\_

Dates/Time/Address Attempted: \_\_\_\_\_

Reason for Non-Service: \_\_\_\_\_

Based upon the above stated facts, Affiant believes the defendant is avoiding service.

Signature of Server:

Undersigned declares under penalty of perjury  
that the foregoing is true and correct.

Signature of Server

APS International, Ltd.

Subscribed and sworn to before me this

6 day of July 2007

Notary Public

(Commission Expires)

GRAY L ALBERT  
Notary Public, State of New York  
No. 01ALB047209  
Qualified in Westchester County  
Commission Expires July 01,

2009

UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DIST., NEW YORK

Attorney: APS INTERNATIONAL, LTD.

GERALD MANOWITZ, ET AL.

- against-

OPTIONABLE INC., ET AL.

Plaintiff(s)

Defendant(s)

Index No. 07-CV-3884

AFFIDAVIT OF SERVICE  
OF:SUMMONS AND COMPLAINT IN A  
CIVIL ACTION

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY

TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 06/12/07 at 1627 Hours at 245 TRENOR DRIVE NEW ROCHELLE, NY 10804  
deponent served the within SUMMONS AND COMPLAINT IN A CIVIL ACTION

on

MARK NORDLICHT

INDIVIDUAL by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein.  (S) He identified (her) himself as such.CORPORATION a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be SUITABLE AGE PERSON C  by delivering thereat a true copy of each to KAYI NORDLICHT a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state.  (S) He identified (her) himself as CO-TENANT of recipientAFFIXING TO DOOR, ETC. D by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below: 

MAILING USE WITH C or D Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at 245, TRENOR DRIVE NEW ROCHELLE, NY 10804 and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows  
Sex Skin Color Hair Color Age (Approx.) Height (Approx.)

Weight (Approx.)

FEMALE WHITE RED 33 5'4 135

MILITARY SERVICE  Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

\* MAILED TO THE ABOVE ADDRESS IN AN ENVELOPE MARKED  
PERSONAL & CONFIDENTIALUSE IN  
NYC CIVIL CT.

The language required by NYCRR 2900.2(e), (f) &amp; (h) was set forth on the face of said summons (es).

GERI L. ALBERT  
Notary Public, State of New York  
No. 01AL5047399  
Qualified in Westchester County  
Commission Expires July 31, 2009PETER DEL BENE  
LICENSE No.

# 147708

Sworn to before  
me on the  
11/4/07